

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

DENISE HOEY, Attorney in Fact and Next Friend
of DELPHINE KAISER,

Plaintiff

Vs.

Lower court Case No: 11-007538-NH

Lower court Judge: Hon. Robert L. Ziolkowski

SUNRISE SENIOR LIVING, INC.
A foreign Profit Corporation (operating)
SUNRISE OF GROSSE POINTE WOODS, and
GP WOODS ASSISTED LIVING, LLC a Foreign
Limited Liability Company

Defendants

THE SAM BERNSTEIN LAW FIRM
STANLEY J. FELDMAN (P52123)
SAMUEL I. BERNSTEIN (P10745)
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P.O. Box 222
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PETITION FOR REMOVAL TO FEDERAL COURT

NOW COMES the Petitioners, Sunrise Senior Living, Inc. and G.P. Woods Assisted Living, LLC, by and through their attorneys, SULLIVAN, WARD, ASHER & PATTON, P.C. and for their Petition for Removal from the Circuit Court for the County of Wayne, to this Court, pursuant to 28 USCA §§ 1332, 1441 and 1446, states as follows:

1. The above entitled action was commenced in the Circuit Court for the County of Wayne, State of Michigan, and is now pending therein under Case No: 11-007538-NH.
2. The action is a civil action sounding in ordinary negligence and allegedly arising out of an occurrence on or about July 4, 2009 when Delphine

Kaiser was allegedly sexually assaulted by another senior resident on the premises of Defendant's assisted living.

3. The action is one for which the United States District Courts are given original jurisdiction by reason of the diversity of the citizenship of the parties, in accordance with 28 USC Section 1332.
4. The amount in controversy in this action, exclusive of interest and costs, exceeds \$75,000.
5. Defendants received notice of Plaintiff's Complaint on or about July 28, 2011. Therefore the time for filing this Petition has not yet expired.
6. At the time of the commencement of this action and at the time of the filing of this Notice, based upon information and belief, Plaintiff was and still is a resident and citizen of the State of California.
7. At the time of the commencement of this action and at the time of the filing of this Notice, Defendant Sunrise Senior Living, Inc. was and still is a corporation which was and is duly incorporated, organized and existing under the laws of the State of Delaware with a principal place of business in the State of Virginia. By filing this petition for removal, Sunrise Senior Living, Inc. is not waiving any rights regarding its defenses including its defense that this Court lacks personal jurisdiction over it.
8. At the time of the commencement of this action and at the time of the filing of this Notice, Defendant G.P. Woods Assisted Living, LLC was and still is a limited liability company which was and is duly organized and existing under the laws of the State of Delaware. The sole member of G.P. Woods

Assisted Living, LLC is Sunrise Senior Living Investments, Inc. Sunrise Senior Living Investments, Inc. is a Virginia corporation with its principal place of business in Virginia.

9. The Parties have stipulated to substitute Sunrise Senior Living Management, Inc. as the sole defendant in this matter, but the lower court has not yet entered the stipulation. Sunrise Senior Living Management, Inc. is a Virginia corporation with its principal place of business in Virginia.
10. In light of the foregoing, the parties are diverse.
11. Because the United States District Court for the Eastern District of Michigan, Southern Division, has original jurisdiction in this matter, Petitioners are entitled to seek and obtain removal pursuant to 29 USC Section 1441.
12. Copies of all pleadings, process and orders served on Petitioner in this action are attached hereto and marked as **Exhibit A**.

WHEREFORE, Petitioners, Sunrise Senior Living, Inc. and G.P. Woods Assisted Living, LLC respectfully request that the above entitled action be removed from the Circuit Court for the County of Wayne, State of Michigan, to the United States District Court for the Eastern District of Michigan, Southern Division.

/s/Jonathan M. Jaffa
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Dated: August 26, 2011

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CERTIFICATE OF SERVICE

I hereby certify that on **August 26, 2011**, I filed the forgoing paper with the Clerk of the Court sending notification of such filing to all counsel registered electronically.

s/Jonathan M. Jaffa
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